



Arizona Environmental Performance Track

Notice Required by A.R.S. § 41-1091(B):

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

INTRODUCTION

Arizona Environmental Performance Track (Arizona Performance Track) is a voluntary partnership program that recognizes and rewards private and public facilities that demonstrate strong environmental performance beyond current requirements. The program is based on the premise that government should complement existing programs with new tools and strategies that not only protect people and the environment, but also capture opportunities for reducing cost and spurring technological innovation.

A decision to grant membership in Arizona Performance Track provides recognition, regulatory flexibility, and other incentives for the commitment to continuous environmental improvement through the use of environmental management systems, for fostering public outreach, community involvement, and agreeing to performance measurement. Members will receive benefits from the Arizona Department of Environmental Quality (and those receiving delegation of authority from ADEQ), and from the air quality departments in Maricopa County, Pima County, and Pinal County (hereafter known as the Participating Departments). Participation in the program is at the discretion of the Participating Departments.

INCENTIVES FOR PARTICIPATION IN ARIZONA PERFORMANCE TRACK

Reduced Inspection Frequency

The Participating Departments will consider inspections of Arizona Performance Track members a low priority, reducing the frequency of routine (i.e., non-complaint based) inspections by at least 50% for those programs without a frequency specified in statute or rule. In lieu of government performed inspections, the Arizona Performance Track member must conduct self-inspections using department-approved inspection checklists according to the frequency established in the appropriate department's policy. The self-inspection checklists must be submitted to the appropriate department within 48 hours of completion, and include a certification of accuracy signed by a responsible official, with a commitment (including timeframes) to address violations discovered during a self-inspection. The applicable department will randomly audit self-inspections to evaluate whether the self-inspections are adequate. The audit will consist of a department compliance inspection conducted as soon as practicable following receipt of the self-inspection report. Any such inspections would be conducted in accordance with A.R.S. §§ 41-1009 and 49-471.03.

Enforcement Notice

The Participating Departments will provide a courtesy telephone call to the company representative designated in the Arizona Performance Track application at least 24 hours prior to issuance of an Notice of Opportunity to Correct (NOC), Notice of Violation (NOV), administrative order or civil complaint. The courtesy call will be made by the appropriate unit or section manager after the action has been approved by the appropriate Division Director, Regional Office Manager, Director or Control Officer.

Enforcement Discretion for Non-Significant Violations

The Participating Departments will forgo issuing a Notice of Opportunity to Correct (NOC) or other notice to an Arizona Performance Track member for those non-significant violations that are self-disclosed to the appropriate Participating Department in writing, in a self-inspection report or otherwise. The disclosure must include documentation that the violation has been resolved or a commitment that it will be resolved within a timeframe agreed upon by the appropriate Participating Department.

Inspection Notice

The Participating Departments will consider providing advanced notice of on-site, non-complaint based inspections for Arizona Performance Track members on a case-by-case basis as requested in an Arizona Performance Track application. In deciding whether to include advanced notice as an incentive for participation in the program, The Participating Departments will consider the nature of the facility's operations and whether notice of the inspection would frustrate The Participating Departments' ability to evaluate compliance.

Reporting Consolidation

The Participating Departments strongly support the concept of consolidating reports as an incentive for participating in Arizona Performance Track. The Participating Departments will consider consolidation of reports on a case-by-case basis as proposed in an Arizona Performance Track application. In deciding whether to allow report consolidation for participation in the program The Participating Departments will consider whether all reporting requirements will continue to be met and whether there are legal restrictions prohibiting consolidation.

Recognition

ADEQ will host regular meetings between Participating Department executives and members of Arizona Performance Track to discuss department priorities and initiatives. These meetings will also be used to discuss future incentives for participating in Arizona Performance Track. The Participating Departments will also provide recognition on their respective web sites, applicable publications, etc. Members will have the ability to use its membership and logo in their own literature, web-site, etc.

Permit Flexibility

The Participating Departments support the concept of permit flexibility as an incentive, and will consider operational flexibility within existing permits (i.e., process modifications without permit modifications) as proposed in an Arizona Performance Track application.

Single Agency Decision for Performance Track Application

ADEQ will coordinate with the other Participating Departments, relevant local governments and EPA when considering an Arizona Performance Track Application, and when scheduling reporting requirements and other elements of participation.

Reporting Requirement Reduction

The Participating Departments support reducing reporting requirements as an incentive and will consider reducing existing and future reporting frequencies as proposed in an Arizona Performance Track application. The Participating Departments will also incorporate by reference the new federal Performance Track rule which allows reduced reporting frequency under the MACT requirements of the Clean Air Act.

Expanded Hazardous Waste Accumulation Time

ADEQ will incorporate by reference the new federal Performance Track rule which allows for increased hazardous waste accumulation times.

Participation in Pilot Projects

The Participating Departments will invite Arizona Performance Track members to participate in pilot projects designed to relieve administrative burdens of the regulated community. For example, Arizona Performance Track members will be invited to participate in the Participating Departments' development of web-based reporting opportunities.

Multi-media Inspections

The Participating Departments will make best efforts to conduct multi-media inspections (including coordination with other state, local, and federal agencies) if requested by an Arizona Performance Track member.

Multi-media Permitting

At the request of a potential Arizona Performance Track member in its application, the Participating Departments will make best efforts to consolidate permit expiration dates and thus permit renewal deadlines. The Participating Departments will also make best efforts to coordinate the permit application or renewal process if requested by an Arizona Performance Track member.

Future Incentives

The members of Arizona Performance Track will be invited to participate in discussions about incentives that might be added to the program.

REQUIREMENTS FOR PARTICIPATION IN ARIZONA PERFORMANCE TRACK

The Participating Departments will adopt EPA's requirements for participating in their National Environmental Performance Track program as the core elements for participation in Arizona's version of performance track. The Participating Departments will add only two minor requirements that are not included in the national program (additional pollution prevention and environmental preferable purchasing). Basing Arizona's program on the national program will benefit Arizona's program in three ways. First, it will help the Participating Departments partner

and coordinate with EPA and to ultimately enter into a Memoranda of Agreement to document our intention to work together. Second, it will allow the Participating Departments to recognize and reward existing National Performance Track members with only minor additional commitments from them. Third, it will allow the Participating Departments to benefit from the experience EPA and the existing members have gained and will gain through the development of the federal program.

Below are a summary of EPA requirements, which will be the core of Arizona's program, with two additional Arizona-only requirements. The descriptions are taken directly from EPA's website at <http://www.epa.gov/performancetrack/program/standard.htm>. Any differences between Arizona's description of the core elements that are also a part of the national performance track are unintentional. The Participating Departments intend to adopt EPA's requirements as-is, with no modification unless expressly stated:

Sustained Compliance

Members must have a record of compliance with environmental laws and be in compliance with all applicable environmental requirements and commit to maintaining the level of compliance needed to qualify for the program. Participation in Arizona Performance Track will NOT be appropriate if the compliance review shows any of the following, under Federal or State Law, or County Ordinance:

Criminal Activity

- Corporate criminal conviction or plea for environmentally-related violations of criminal laws involving the corporation or a corporate officer within the past 5 years.
- Criminal conviction or plea of employee at the same facility for environmentally-related violations of criminal laws within the past 5 years.
- Ongoing criminal investigation/prosecution of corporation, corporate officer, or employee at the same facility for violations of environmental law.

Civil Activity

- Three or more significant violations by the company owning the facility in the past 3 years.
- Unresolved, unaddressed Significant Non-Compliance (SNC) or Significant Violations (SV) by the company owning the facility.
- Planned but not yet filed judicial or administrative action against the company owning the facility.
- Ongoing federal, state, or county initiated litigation against the company owning the facility.
- The company owning the facility is not in compliance with the schedule and terms of an order or decree.

Environmental Management System

To be considered for membership, a company must have adopted and implemented an Environmental Management System (EMS) that has undergone an independent assessment. At a minimum the EMS should include the following:

Policy

- An environmental policy committing the facility to:
 - Compliance with legal requirements and voluntary commitments
 - Pollution prevention
 - Continuous improvement in environmental performance, including areas not subject to regulations
 - Sharing information on environmental performance with the community.

Planning

- Identification of significant environmental aspects and legal requirements, including procedures for integrating anticipated changes to the facility's requirements.
- Measurable objectives and targets to meet policy commitments and legal requirements, to reduce the facility's significant environmental impacts, and to meet the performance commitments made as part of the facility's participation in the program. In setting objectives and targets, the facility should consider preventing non-compliance, preventing pollution at its source, minimizing cross-media pollutant transfers, and improving environmental performance.
- Active, documented programs to achieve the objectives, targets, and commitments in the EMS, including the means and time frames for their completion.

Implementation and Operation

- Established roles and responsibilities for meeting objectives and targets of the overall EMS and compliance with legal requirements, including a top management representative with authority and responsibility for the EMS.
- Defined procedures for:
 - Achieving and maintaining compliance and meeting performance objectives.
 - Communicating relevant information regarding the EMS, including the facility's environmental performance, throughout the organization.
 - Providing appropriate incentives for personnel to meet the EMS requirements.
 - Document control, including where documents related to the EMS will be located and who will maintain them.
- General environmental training programs for all employees, and specific training for those whose jobs and responsibilities involve activities directly related to achieving objectives and targets and to compliance with legal requirements.
- Documentation of the key EMS elements.
- Operation and maintenance programs for equipment and for other operations that are related to legal compliance and other significant environmental aspects.
- An emergency preparedness program.

Checking and Corrective Action

- An active program for assessing performance and preventing and detecting non-conformance with legal and other requirements of the EMS, including an established compliance audit program and an EMS audit program.
- An active program for prompt, corrective action of any non-conformance with legal requirements and other EMS requirements.

Management Review

- Documented management review of performance against the established objectives and targets and the effectiveness of the EMS in meeting policy commitments.

Continuous Improvement

As part of the application, facilities need to demonstrate past environmental achievement and commit to continued improvement in their performance. Past achievements and future commitments must be selected from EPA's Environmental Performance Table found on their web-site. These environmental indicators are grouped as follows:

- Upstream Stage: Material Procurement and Suppliers' Environmental Performance
- Inputs Stage: Material Use, Water Use, Energy Use, and Land Use
- Nonproduct Outputs Stage: Air Emissions, Discharges to Water, Waste, Noise, and Vibration
- Downstream Stage: Products

Applicants need to demonstrate past achievement in at least **two** environmental aspects in any of the categories above in the current and preceding year. Applicants also commit to future improvements in at least **four** environmental aspects, drawn from two or more categories. Two of these aspects may be in the same category, and they may be the same as those used to demonstrate past performance.

Facilities are encouraged to commit to more than the minimum. Aspects are chosen by the facility, not by EPA or the Participating Departments. Commitments for improvement should relate to the facility's significant environmental aspects identified in the EMS and should take into account local environmental priorities and pollution prevention opportunities.

In documenting past achievements and committing to continued improvement, facilities should not rely on any actions that represent compliance with existing legal requirements at the Federal, state, tribal, or local levels. Improvements should represent actions beyond existing legal requirements.

Community Outreach

Performance Track members demonstrate their commitment to public outreach and report periodically on their performance in the program. EPA and the Participating Departments expect that applicants will already have established a public outreach program (e.g., newsletters, sponsorship of community activities, performance reporting) prior to submitting their applications. Public outreach activities may vary across facilities depending on their size, setting, and type of operation, but should include the following:

- **Identifying and responding to community concerns.** A facility should be able to demonstrate that it has established mechanisms for identifying and responding to local concerns regarding the environmental effects of its operations (e.g., emissions, odor).
- **Informing the community of important matters that affect it.** Appropriate to a facility's size, operations, and setting, each applicant should describe the mechanisms it uses to inform the community of important issues related to its environmental performance.
- **Reporting on the facility's EMS and performance commitments.** Whatever means a facility employs for community outreach, it should explain specifically how it provides the public with the environmental performance information that it is committed to reporting (e.g., open houses, community meetings).

Facilities will be asked to provide a short list of community/local references who are familiar with the facility and to list any ongoing citizen suits against the facility.

Independent EMS Assessment

Prior to applying to the Program, facilities must have had an assessment of their EMS conducted by an independent party. For purposes of this criterion, an independent party is one that is neither directly employed by the applying facility nor has played a substantive role in developing the facility's EMS. The independent assessment shall be conducted using EPA's Performance Track Independent Assessment Protocol which can be found on their web-site, or another protocol that covers all of the provisions of the Performance Track Independent Assessment Protocol. The facility must have had the assessment conducted within the three-year period prior to the date of application. The facility will be asked on their Performance Track application the date of their independent EMS assessment and whether the independent assessment meets the provisions of this criterion.

Facilities applying to Arizona Performance Track can select from a number of options for an independent assessment of their EMS. Applying facilities should consult with the appropriate Participating Department before choosing the independent party conducting their assessment. An applying facility may choose from the following options:

An EMS assessment conducted in conjunction with participation in an EPA or Participating Department EMS/performance-based program and led by an individual meeting the qualifications of a Performance Track Site Visit Leader;

1. An assessment conducted by one of the following so long as the lead auditor is not directly employed by the facility and did not play a substantive role in developing the EMS for the facility:
 - (a) an individual certified as an EMS lead auditor by the Registrar Accreditation Board (RAB) or the Board of Environmental, Health & Safety Auditor Certifications (BEAC);
 - (b) an individual who has demonstrated that they meet the qualifications of a Performance Track Site Visit Leader, except those qualifications related to i) the Performance Track site visit training course, ii) having conducted a minimum of two Performance Track site visits, and iii) current employment;

- (c) a corporate audit team whose audit team leader meets the requirements of (2)(a) or (b) above;
 - (d) a trade association performance-based EMS audit program whose audit team leader meets the requirements of (2)(a) or (b) above; or
 - (e) mentors that participate in the Performance Track mentoring program and who meet the requirements of (2)(a) or (b) above;
2. An assessment of a Federal facility EMS conducted according to the Environmental Management Systems Agency Self-Declaration Protocol for Appropriate Federal Facilities, whose audit team leader meets the requirements of (2)(a) or (b) above; or
 3. An assessment conducted by other entities will be considered on a case-by-case basis in consultation with the appropriate Participating Department. EPA may conduct EMS assessments on a limited basis for facilities that do not otherwise have the opportunity to select from one of the preceding options.

Facilities may choose either to use: a) the Performance Track Independent Assessment Protocol; b) their own protocol so long as it incorporates all elements of the Performance Track protocol; or c) a state protocol that is consistent with the Performance Track protocol. If possible, facilities should consult with the appropriate Participating Department(s) in advance to discuss the acceptability of their own protocols.

Pollution Prevention

In addition to the EMS, members must have an operational pollution prevention program or plan which includes specific goals and actions to significantly reduce releases of pollution or the use of resources beyond the reductions required by law or permit. Priority should be given to the most significant environmental impacts identified during the development of the EMS.

Environmental Preferable Purchasing

Arizona Performance Track members must make a demonstrable commitment to using products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. The product or service comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal.

Furthermore, Arizona Performance Track Members must commit to the development of a preferred vendor program for other Arizona Performance Track members. The preferred vendor program should result in the use of products and/or services of other Arizona Performance Track Members, all else being equal. The purpose of this requirement is to promote membership by creating an additional incentive not offered by the Participating Departments.

SPECIAL CONSIDERATIONS FOR SMALL BUSINESSES

Like EPA, the Participating Departments will modify the requirements for small businesses that would like to participate in Arizona Performance Track. These modifications are listed below, and once again were modeled after EPA's program. Furthermore, the Participating Departments will adopt EPA's definition of a small business for the purpose of Performance Track as fewer than fifty full-time employees.

- **Environmental Management System.** The Participating Departments and EPA recognize that the scope and level of formality of the EMS will vary, depending on the nature, size, and complexity of the facility. EPA's experience with a wide variety of programs suggests that these EMS elements are within the capability of small facilities and can be met through a variety of approaches. To help small facilities implement an EMS, the Participating Departments and EPA will make guidance documents and assistance materials available.
- **Continuous Improvement.** Small businesses have the option of documenting improvement for at least *one* environmental aspect from any category. In making future performance commitments, small facilities should select at least *two* aspects from *two or more* categories.
- **Public Outreach and Performance Reporting.** There is no standard set of outreach activities beyond the Annual Performance Report. Each facility's approach to community reporting beyond the annual performance report will depend on its size, scale of operations, and setting. At a minimum, a small facility should be able to document that it has designated a point of contact with direct access to facility management and has adopted procedures for responding to questions or concerns of local residents.
- **Sustained Compliance.** Small facilities need to have a record of sustained compliance in the same manner as other facilities participating in Arizona Performance Track.
- **Annual Performance Reporting.** EPA is considering providing specialized assistance in this area for small facilities. A facility should maintain onsite the supporting documentation used to prepare its Annual Performance Report and make this documentation available to the appropriate Participating Department(s) upon request.

ANNUAL REPORTING

As is the case with participants in EPA Performance Track, each member of Arizona Performance Track will be required to complete an Annual Performance Report which demonstrates its environmental accomplishments over the year, its continued high level of environmental performance, and its maintenance of the Performance Track membership criteria. The Annual Performance Report will include the following at a minimum:

- A summary of the facility's EMS assessment activities and progress towards meeting EMS objectives and targets, including brief descriptions of audits conducted and improvements made.
- A brief report on progress made in meeting the facility's environmental performance commitments.
- A summary of the facility's public outreach activities.
- A self-certification that the facility continues to meet Performance Track's criteria for membership.

Annual Performance Reports are due on April 1 of each year, beginning with the April 1st following the year in which a member is accepted into the program, and annually thereafter.

For example, the due date for reports covering the 2003 calendar year is April 1, 2004.

A facility may be contacted if a Participating Department identifies any significant problems. Once a report is revised (if necessary) and accepted, it will be made publicly available, used in Performance Track program evaluation and possibly for program outreach purposes.

Performance Track does not prescribe a means for a facility's public transmission of the Annual Performance Report, but expects that each facility will select a means consistent with its situation and its other public outreach activities.

A facility should maintain on-site the supporting documentation used to prepare its Annual Performance Report and make this documentation available to EPA upon EPA's request.

Organizations with multiple facilities in the Performance Track program may find it more efficient to coordinate the preparation of the reports at the corporate level or at a single facility. To the extent possible, Performance Track staff will help facilitate such coordination. However, consistent with the facility-based orientation of Performance Track, the questions in the Annual Performance Report are focused on the activities and environmental performance at individual facilities. Thus, a complete, separate Annual Performance Report is requested from each member facility.

Members of both Arizona and EPA performance track may submit to the appropriate Participating Departments, the Annual Report required by EPA, but must submit additional information regarding the unique Arizona Performance Track requirements.

SITE VISITS

The Participating Department(s) will conduct program site visits with a limited number of Performance Track facilities each year. These site visits are not intended as compliance inspections. The purpose of the visit is to evaluate the effectiveness of the program. During these site visits, a facility will be asked to provide materials that directly support its participation in Performance Track, including its EMS, information about progress on performance commitments, and community outreach.

Protocol for arranging and conducting these visits is outlined below. More detailed information will be provided to all Performance Track participants in advance of making site visits.

- A facility will receive notice in advance of the visit and have an opportunity to schedule the timing with the Participating Department(s) to accommodate facility production schedules and deadlines.
- The scope of the visit will be to assess the facility's implementation of the Performance Track program, the facility's EMS, its progress meeting its performance commitments, and its public outreach efforts.
- The visit may include representatives from EPA headquarters, the EPA regional office, ADEQ, the county environmental department, and (subject to the approval of the facility) the local community and other Performance Track facilities.
- Facilities may request a program site visit from EPA or a Participating Department.

ARIZONA PERFORMANCE TRACK APPLICATION PROCESS

To be considered for membership in Arizona Performance Track, a facility must complete and submit to the appropriate Participating Department(s) both EPA's membership application and a supplement specifically designed to address the differences, albeit small, between the two programs. If the applicant wishes to receive benefits from ADEQ and another Participating Department, he or she may submit the application to ADEQ with a request to coordinate with the other Participating Department(s). This will allow existing EPA Performance Track members to merely provide the appropriate Participating Departments or ADEQ with their previously submitted EPA application along with the supplement. It will also allow new prospective members to apply for both EPA's program and Arizona's program at the same time with minimal additional effort. The Arizona Performance Track supplement will include the following questions:

- 1) Please identify which Participating Departments you wish to consider your application for Arizona Performance Track. These will be the Departments providing the regulatory incentives should you become a member of Arizona Performance Track.
- 2) Please identify the facility representative, with contact information, that you'd like the Participating Department(s) to contact at least 24 hours prior to issuance of a Notice of Opportunity to Correct (NOC), Notice of Violation (NOV), administrative order or civil complaint.
- 3) The Participating Departments will consider providing advanced notice of on-site, non-complaint based inspections for Arizona Performance Track members. If you would like the Participating Departments to consider providing advanced notice of non-complaint based inspections, please provide the following:
 - a. An explanation of how prior notice would benefit your facility;
 - b. The name and contact information of the person you'd like to receive notice; and
 - c. Information about the facility that would help the Participating Departments conclude that prior notice would not frustrate the ability to evaluate compliance.
- 4) The Participating Departments strongly support the concept of consolidating environmental reports as an incentive for participating in Arizona Performance Track. If you would like the Participating Departments to consider consolidation of reports, please describe in detail the reports you'd like to consolidate, along with your proposed new form which consolidates the information required to be reported. In deciding whether to allow report consolidation for participation in the program, the Participating Departments will consider whether all reporting requirements will continue to be met and whether there are legal restrictions prohibiting consolidation.
- 5) The Participating Departments support the concept of permit flexibility as an incentive for participating in Arizona Performance Track. If you would like the Participating Departments to consider operational flexibility within existing permits (e.g., process modifications without permit modifications), please provide a detailed description of the flexibility desired, along with any information you believe would assist the Participating Departments in determining whether to grant the request.
- 6) The Participating Departments support reducing reporting requirements as an incentive for participating in Arizona Performance Track. If you would like the Participating Departments to consider reducing existing and future reporting frequencies, please

describe which reports you'd like to reduce in frequency, propose a new frequency, and provide any information you believe would assist the Participating Departments in determining whether to grant the request.

- 7) The Participating Departments will make best efforts to conduct multi-media inspections (including coordination with other state, local, and federal agencies) for Arizona Performance Track members. If you would like the Participating Departments to attempt to conduct multi-media inspections at your facility, please identify the programs, departments, and/or agencies you'd like for us to coordinate with when conducting an inspection of the facility.
- 8) The Participating Departments will make best efforts to consolidate permit expiration dates, permit renewal deadlines and to coordinate permit application or renewal processes for Arizona Performance Track Members. If you would like the Participating Departments to attempt to consolidate permit expiration dates and permit renewal deadlines, or to coordinate permit application or renewal processes, please identify which permits you would like to include (type of permit, and permit number), along with their current expiration dates.
- 9) Please describe in detail the facility's operational pollution prevention program or plan which includes specific goals and actions to significantly reduce releases of pollution or the use of resources beyond the reductions required by law or permit. Priority should be given to the most significant environmental impacts identified during the development of the EMS.
- 10) Please describe how you will make a demonstrable commitment to using products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. The product or service comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal.
- 11) Please describe your commitment to the development of a preferred vendor program for other Arizona Performance Track members. The preferred vendor program should result in the use of products and/or services of other Arizona Performance Track Members, all else being equal.

ARIZONA PERFORMANCE TRACK MEMBERSHIP IS NOT A LICENSE

Because membership in Arizona Performance Track is not required by law, it does not constitute a license as defined in A.R.S. § 41-1001 or a permit as defined in A.R.S. § 49-471. As a result, the Participating Departments' review of a Performance Track application is not subject to the licensing timeframes in Article 7.1 of Title 41 or § 49-471.13 of the Arizona Revised States, and a denial, suspension, revocation, or annulment of Performance Membership does not constitute an appealable agency action as defined in A.R.S. §§ 41-1092 and 49-471, or an action against the party as defined in A.R.S. § 41-1092.12. Furthermore, any site visits conducted solely for the purpose of evaluating the effectiveness of the program will not be subject to A.R.S. §§ 41-1009 and 49-471.03, as they are not necessary for the issuance of a license or to determine compliance with licensure requirements.